IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

CIVIL APPLICATION NO. 1956 of 2007.
IN
FIRST APPEAL NO.22 OF 2006.

Office notes, office memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Shri G.N.Salunke for the Applicant.

CORAM : ABHAY S.OKA, J.

DATED : 5th October, 2007.

P.C.:

1. Prayer (a) of this Application is for calling for the record. R.& P. writ has already been issued as a consequence of admission of the Appeal. Prayer (b) is for an injunction. It is an admitted position that during the pendency of the suit filed by the Applicant, there was no injunction granted by the trial Court from the year 1997. Therefore, in this Appeal, after the suit is dismissed on merits, temporary injunction cannot be granted. Prayer (c) in this Application is for appointment of Court Commissioner. Such a relief cannot be granted at this stage of the Appeal. As and when Appeal is heard finally, the Applicant can always pray before this Court for appointment of the Commissioner. Therefore, this prayer cannot be granted at this stage.

2. Hence the Civil Application is rejected with liberty to renew the prayer for appointment of Court Commissioner at the time of final hearing of the Appeal.

Judge.